

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WASHINGTON COUNTY FAMILY
ENTERTAINMENT, LLC,

Plaintiff,

vs.

RNN ENTERTAINMENT INC, ROMEL
MARCUS, DERRICK ROBINSON, BODIE
ENTERTAINMENT, INC, GUSTAV
HENINGBURG, II, JOHN AND JANE
DOES 1-10, JAMES G EVANS,
FRANCESCO CINA, MING AND SONS,
LLC, GOODLIFE ENTERTAINMENT
L.L.C., JOHN WARDLOW JR., THE RTD
GROUP, LLC, OLUREMI DARAMOLA,
GANNON WEALTH SECURITY
PARTNER, LLC, FC CONSULTANTS,
INC., and SHANE A. HALLS,

Defendants.

Civil Action No. 17-807

United States District Judge
Cathy Bissoon

United States Chief Magistrate Judge
Cynthia Reed Eddy

MEMORANDUM ORDER

This case has been referred to United States Chief Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On March 6, 2020, Judge Eddy issued a Report (“First R&R,” Doc. 191) recommending the Motion to Dismiss filed by Defendants Bodie Entertainment, Inc., Gustav Heningburg, II, Francesco Cina, James G. Evans, Gannon Wealth Security Partners, LLC, and FC Consultants, Inc., (Doc. 180), be denied. Judge Eddy found Plaintiff had sufficiently pled its RICO claims against these Defendants, as well as its conversion claim. (First R&R at 7–14; 14–15.)

On that same date, Judge Eddy issued another Report (“Second R&R,” Doc. 192) recommending that the Motion to Dismiss filed by Shane A. Halls (“Halls”), (Doc. 181), be

granted in part and denied in part. Specifically, the Second R&R concluded that while the Second Amended Complaint clearly established subject matter jurisdiction and made out several claims against Halls, ultimately the allegations with respect to Plaintiff's negligent misrepresentation were insufficient to state a claim. (Second R&R at 11–12.)

Objections to both R&Rs were due on or before March 23, 2020, (Docs. 191 and 192), but no objections were filed to either. After a *de novo* review of the Second Amended Complaint, the Motions to Dismiss, and Plaintiff's Responses in Opposition to both Motions, and all other related briefing, together with both the First R&R and the Second R&R, it is hereby ORDERED that Judge Eddy's First R&R and Second R&R are ADOPTED as the opinions of the district court.

The Motion to Dismiss filed by Defendants Bodie Entertainment, Inc., Gustav Heningburg, II, Francesco Cina, James G. Evans, Gannon Wealth Security Partners, LLC, and FC Consultants, Inc., (Doc. 180), is DENIED. Defendant Shane A. Halls's Motion to Dismiss, (Doc. 181) is GRANTED IN PART and DENIED IN PART, and Plaintiff's negligent misrepresentation claim as to Halls is DISMISSED WITH PREJUDICE. Mr. Halls's Motion is DENIED as to all other claims.

IT IS SO ORDERED.

May 4, 2020

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):
All Counsel of Record

cc (via U.S. Mail):
Derrick Robinson
Romel Marcus
Shane A. Halls